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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,070	03/01/2004	Vladimir Kraz	1030981-991133	2990
26379	7590	09/11/2007		
DLA PIPER US LLP 2000 UNIVERSITY AVENUE E. PALO ALTO, CA 94303-2248			EXAMINER SUAREZ, FELIX E	
			ART UNIT 2857	PAPER NUMBER
			MAIL DATE 09/11/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/791,070	KRAZ, VLADIMIR	
	Examiner	Art Unit	
	Felix E. Suarez	2857	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2007 (RCE).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 76-94 and 97-100 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 76-94 and 97-100 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114 After Final Rejection

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 18, 2007 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 76-94 and 97-100 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

Claims 76 and 92 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite in that it fails to point out what is included or excluded by the claim language.

3. Independent claims 76 and 92 recites the phrase "may be", not clear whether is in fact attached or not to an object, the portable single unit.

4. Claims 77-91, 93, 94 and 97-100 are include in this rejection because it depends upon a rejected base claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 76-78, 80, 86-89, 91-94 and 97-100, are rejected under 35 U.S.C. 102(b) as being anticipated over Raymond et al. (U.S. Patent No. 6,282,441).

With respect to claims 76, 92, 97 and 99, Raymond et al. (hereafter Raymond) teaches a device for in-situ measurement and recording of at least one environmental parameter, said device comprising:

a portable single unit that may be attaches to an object (see col. 5, lines 4-20 and col. 6, lines 6-19);

the portable single unit further comprising a sensor for detecting said parameter and converting to a sensor output (see col. 6, lines 27-56);

a data logger coupled to said sensor for receiving and logging said sensor output (see col. 5, lines 4-20 and col. 24, lines 19-38);

a communication module for communicating said sensor output (see col. 8, lines 42-54).

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With respect to claims 77 and 93, Raymond further teaches said data logger comprises a time stamping module for recording a timestamp with said sensor output (see col. 14, lines 18-20).

With respect to claim 78, Raymond further teaches, said communication module comprises a transmitter and a receiver (see col. 27, lines 22-33).

With respect to claim 80, Raymond further teaches comprising a display device (see col. 24, lines 50-61).

With respect to claims 86, Raymond further teaches said data logger comprises an analog to digital converter (ADC) to convert said sensor output into digital data (see col. 8, lines 41-50).

With respect to claims 87, Raymond further teaches a signal processing circuitry coupled to said sensor for processing said sensor output (see col. 8, lines 41-50).

With respect to claim 88, Raymond further teaches comprising means for communicating said sensor output (see col. 8, lines 41-50).

With respect to claim 89, Raymond further teaches said means for communicating comprises a transmitter and a receiver (see col. 27, lines 23-33).

With respect to claim 91 and 94, Raymond further teaches said portable single unit moves through at least one of a manufacturing, storage, and transit process while attached to the object (see col. 24, lines 20-38).

With respect to claim 98 and 100, Raymond further teaches the communications module in the piece of base equipment and the communications module in the portable single unit are each wireless communication modules (see col. 5, lines 26-37).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 79 and 90 are rejected under 35 U.S.C. 103(a) as being anticipated over Raymond et al. (U.S. Patent No. 6,282,441) in view of Rode et al. (U.S. Patent No. 6,315,719).

With respect to claims 79 and 90, Raymond teaches all the features of the claimed invention, except that Raymond does not teach, said communication module comprises an RF (radio frequency) communication module.

But Rode et al. (hereafter Rode) teaches in a remote medical monitoring apparatus that, alternatively, the data transmitted to the data logger are directly retransmitted in a wireless manner by means of a high frequency radio transmission (see Rode; col. 7, lines 25-28).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Raymond to include a wireless transmission alternative as taught by Rode, because the wireless transmission alternative of Rode allows a high frequency radio transmission for communication, as desired.

7. Claims 81-85, are rejected under 35 U.S.C. 103(a) as being anticipated over Raymond et al. (U.S. Patent No. 6,282,441) in view of Karins et al. (U.S. Patent No. 6,172,496).

With respect to claims 81, 82 and 83, Raymond teaches all the features of the claimed invention, except that Raymond does not teach,

said sensor is configured to detect a presence of electrostatic field;

said sensor is configured to measure a magnitude of said electrostatic field; nor

said sensor is configured to detect a change in said electrostatic field.

But Karins et al. (hereafter Karins) teaches a system for detecting and evaluating the occurrence, polarity and magnitude of electrostatic discharge (ESD) events (see Karins; col. 5, lines 10-16).

Karins also teaches a method for detecting an electrostatic discharge using a sensor including a magneto-optic element having a magnetized state and a demagnetized state and capable of changing from the magnetized state to the demagnetized state in response to an electromagnetic field having a field strength exceeding a predetermined field strength, the magneto-optic element mounted on a substrate adjacent to a conductor formed on the substrate, the method comprising:

determining whether the magnitude of the electrostatic discharge exceeds a predetermined magnitude by detecting whether the state of the magneto-optic element has changed from a magnetized state to a demagnetized state in response to the generated electromagnetic field (see Karins; col. 11 line 19 to col. 12, line 30).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Raymond to include an electrostatic discharge sensor as taught by Karins, because the electrostatic discharge sensor of Karins allows to detect and measure an electrostatic fields and is capable to detect a change from the magnetized state to the demagnetized state in response to an electromagnetic field.

With respect to claims 84 and 85, Raymond teaches all the features of the claimed invention, except that Raymond does not teach that said sensor is configured to detect an electrostatic discharge; nor

said sensor is configured to measure a magnitude of said electrostatic discharge.

But Karins et al. (hereafter Karins) teaches a system for detecting and evaluating the occurrence, polarity and magnitude of electrostatic discharge (ESD) events (see Karins; col. 5, lines 10-16).

Karins also teaches a method for detecting an electrostatic discharge using a sensor including a magneto-optic element having a magnetized state and a demagnetized state and capable of changing from the magnetized state to the demagnetized state in response to an electromagnetic field having a field strength exceeding a predetermined field strength, the magneto-optic element mounted on a substrate adjacent to a conductor formed on the substrate, the method comprising:

determining whether the magnitude of the electrostatic discharge exceeds a predetermined magnitude by detecting whether the state of the magneto-optic element has changed from a magnetized state to a demagnetized state in response to the generated electromagnetic field (see Karins; col. 11 line 19 to col. 12, line 30).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Raymond to include an electrostatic

discharge sensor as taught by Karins, because the electrostatic discharge sensor of Karins allows to detect and evaluate the occurrence, polarity and magnitude of electrostatic discharge (ESD) events, as desired.

Response to Arguments

8. Applicant's arguments with respect to the claims have been fully considered but they are moot in view of the new ground(s) of rejection set forth hereinbefore.

For clarification; Applicant's arguments filed 06/18/2007 have been fully considered but they are not persuasive with respect to claims 76-94 and 97-100.

Applicants' primary argument for independent claim 76, 92 is that, *"In the final office action mailed May 16, 2006, it is noted that the Examiner considers that the multi-parametric monitoring device mounted on a part of the body of a patient, with sensors configured in a flexible strap, as is described in Raymond ... is a portable unit ..."*.

Applicant further argument that, *"Raymond et al. [U.S. Patent No. 6,640,134] (hereafter Raymond) does not disclose or suggest "a portable single unit that may be attached to an object, the portable single unit further comprising ... a data logger coupled to said sensor for receiving and logging said sensor output"*.

The Examiner considers that, a single unit is a unit device giving a result as desired and this unit to output the result desired, necessarily is composed with one or more in-built elements or attached elements to do one working unit.

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The Examiner considers that the strap with the necessary attached elements, constitute a portable single unit, handled by a patient or subject as it is desired by the applicant.

The Examiner considers that, the structure, which goes to make up the device, must be clearly and positively specified, because a single portable unit is very broad.

The Examiner considers that the multi-parametric monitoring device mounted on a part of the body of a patient, with sensors configured in a flexible strap, as is described by Raymond; col. 6, lines 6-19, is a portable unit attached to an object with sensors capable to detect environmental parameters such as barometric pressure sensor, which senses the ambient barometric pressure of the patient's environment; ambient temperature sensor, which senses the ambient temperature of the patient's environment as are described by Raymond; col. 6, lines 43-56.

Applicant further arguments that, "*Raymond also discloses a data logger that may be a data input device such as a personal computer*".

The Examiner notice that Raymond teaches that, the subjective data logger may take the form of any data input device, including a personal computer. However, because it is desirable to provide the patient with a portable data logger the patient may use a battery-powered, handheld data input device; as it is described by Raymond; col. 24, lines 19-38.

The Examiner considers that Raymond discloses multi-parametric monitoring device or a portable unit; attached to a patient; this portable unit comprises sensors capable to sense environmental parameters, and this unit comprises a data logger, which may take the form of any input device and it is desirable may be a handheld data input device to allow the patient to record events at any time.

Conclusion

Prior Art

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rose-Pehrsson et al. [U.S. Patent No. 5,469,369] describes sensing an unknown pattern vector.

Hoigaard [U.S. Patent No. 5,083,117] describes an apparatus for monitoring and controlling electrostatic discharge.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Felix Suarez, whose telephone number is (571) 272-2223. The examiner can normally be reached on weekdays from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eliseo Ramos-Feliciano can be reached on (571) 272-7925. The fax phone number for the organization where this application or proceeding is

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assigned is 571-273-8300 for regular communications and for After Final
communications.

August 22, 2007

F.S.

A handwritten signature in black ink, appearing to read 'ERF', with a long horizontal stroke extending to the right.

ELISEO RAMOS-FELICIANO
SUPERVISORY PATENT EXAMINER